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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PATRICK S. CRICK,

11 Plaintiff,

12 v.

13 JAMES KEY,

14 Defendant.

CASE NO. C17-1348JLR

ORDER

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of Chief
17 United States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 26)), and Petitioner
18 Patrick Crick's objections thereto (Objections (Dkt. # 32)). Having carefully considered
19 the foregoing, the relevant portions of the record, and the applicable law, the court
20 ADOPTS the Report and Recommendation (Dkt. # 26).

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II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.* When no objections are filed, the court need not review de novo the report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).

III. DISCUSSION

Mr. Crick's main objection to the Report and Recommendation attacks the Chief Magistrate Judge's recommendation that the court reject Plaintiff's equitable tolling argument. (Objections at 3-7.) None of Mr. Crick's objections raise any novel issues that were not addressed by Chief Magistrate Judge Tsuchida's Report and Recommendation. Moreover, the court has thoroughly examined the record before it and finds the Chief Magistrate Judge's reasoning persuasive in light of that record. Mr. Crick essentially reargues the arguments he made to Chief Magistrate Judge Tsuchida, and the court independently rejects them for the same reasons as Chief Magistrate Judge Tsuchida.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the court hereby ORDERS as follows:

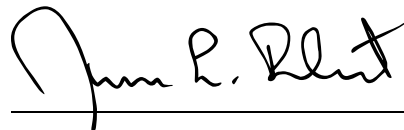
3 (1) The Report and Recommendation is ADOPTED;

4 (2) Mr. Crick's 28 U.S.C. § 2254 habeas petition is DISMISSED;

5 (3) Mr. Crick is DENIED issuance of a certificate of appealability; and

6 (4) The Clerk shall send a copy of this Order to the parties and to Chief Magistrate
7 Judge Tsuchida.

8 Dated this 19th day of October, 2018.

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11 JAMES L. ROBART
12 United States District Judge
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